

**67**

15/09/2008  
VC49

**APPLICATIONS UNDER SECTION 96 OF THE ACT**

This clause applies to an application for a permit which, except for the provisions of this clause, would be made to the Minister in accordance with Section 96 of the Act.

**67.01**

19/01/2006  
VC37

**Exemptions from Section 96(1) and 96(2) of the Act**

In accordance with Section 6(2)(ka) of the Act, the following classes of use and development are exempted from Section 96(1) and 96(2) of the Act:

**CLASS 1**

Use of land for -

Car park, camping and caravan park, community facility (including child care centre, maternal and infant welfare centre, neighbourhood house, place of assembly and toilet block), dwelling, extractive industry, hospital, industry, leisure and recreation, office, residential village, retail premises or service station.

**CLASS 2**

Development of land for -

A Class 1 use, demolition of a building or works, lighting and floodlighting of a recreation facility or building, sign or advertisement or subdivision.

**CLASS 3**

Any other use or development.

**67.02**

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**Notice requirements**

In accordance with Section 52(1)(c) of the Act, notice must be given to:

- The owners and occupiers of adjoining land.
- The National Trust of Australia (Victoria), if the application relates to land on which there is a building classified by the Trust.

This does not apply to an application:

- For a sign or advertisement.
- To remove, destroy or lop native vegetation under Clause 52.17 of this scheme.
- If a permit is only required under any of the following overlays:
  - Salinity Management Overlay
  - Floodway Overlay
  - Land Subject to Inundation Overlay
  - Special Building Overlay
  - Wildfire Management Overlay

**67.03**

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**Notice requirements - native vegetation**

In accordance with Section 52(1)(c) of the Act, notice of an application to remove, destroy or lop native vegetation under Clause 52.17 of this scheme must be given to the Secretary to the Department administering the Flora and Fauna Guarantee Act 1988.

This does not apply if the application is of a kind which must be referred to the Secretary under Section 55 of the Act.

**67.04**

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**Notice exemption**

In accordance with Section 52(4) of the Act, an application for a sign or advertisement on land managed, occupied or owned by the responsible authority is exempt from the notice requirement of Clause 52(1)(a) of the Act.